

R. S. asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Sessions' decision regarding Mr. S.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12 and §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Mr. S. injured his back while working for NFT Transportation on March 6, 1996. NFT Transportation and its insurance carrier, Bankers Standard Insurance (referred to jointly as "NFT" hereafter), accepted liability under the Act and paid some workers' compensation benefits to Mr. S.. On April 29, 2004, Mr. S. filed an application with the Commission to compel NFT to pay additional benefits, including permanent total disability compensation.

Judge Sessions held an evidentiary hearing in this matter on April 13, 2005, and referred the medical aspects of Mr. S.'s claim to an impartial medical panel. The panel submitted its report on September 12, 2005. Judge Sessions issued his decision on January 30, 2006, and then issued a supplemental decision on February 10, 2006. In summary, Judge Sessions awarded medical expenses, temporary disability compensation and permanent partial disability compensation to Mr. S., but denied Mr. S.'s claim for permanent total disability compensation.

On March 10, 2006, Mr. S. filed a motion for review arguing that: 1) Judge Sessions' findings of fact are inadequate; and 2) Mr. S.'s work-related injury is the direct cause of his permanent total disability.

DISCUSSION AND CONCLUSIONS OF LAW

Mr. S. contends Judge Sessions' findings of fact are inadequate to support his decision. The Appeals Board agrees. The parties are entitled to a decision that: 1) identifies the issues in dispute; 2) states the facts; 3) identifies applicable law; and 4) explains the application of the law to the facts. These elements are not adequately set forth in Judge Sessions' decision.

Almost every claim for workers' compensation benefits presents unique facts as to the nature of the work, the circumstances of the accident, the particular injuries that result from the accident, and the effect of those injuries on the individual worker. These unique facts must be identified and considered within the framework of the Act in order to reach a correct result. In this case, Judge Sessions has omitted such facts from his decision, leaving the Appeals Board unable to discern the logic of his conclusion that Mr. S. is not entitled to permanent total disability compensation.

The Appeals Board remands Mr. S.'s claim to Judge Sessions with instructions to issue a new decision that sets out the material facts of Mr. S.'s claim, identifies the controlling principles of law, and explains the application of the law to the facts. Because the Appeals Board remands this matter to Judge Sessions, the Appeals Board does not address the other issues raised by Mr. S.'s

motion for review. However, after Judge Sessions issues his new decision, any party dissatisfied with the decision may seek further Commission or Appeals Board review. In light of the delay already experienced by the parties in obtaining resolution of their dispute, Judge Sessions is directed to give this matter his prompt attention.

ORDER

The Appeals Board grants Mr. S.'s motion for review, sets aside Judge Sessions' previous decisions on the merits of Mr. S.'s claim, and remands this matter to Judge Sessions for issuance of a new decision that complies with the instructions contained herein. It is so ordered.

Dated this 28th day of April, 2006.

Colleen S. Colton, Chair

Patricia S. Drawe

Joseph E. Hatch